

**Minutes of the
Tobacco Education and Research Oversight Committee (TEROC)**

Meeting on January 20, 2004

Holiday Inn Capitol Plaza

300 J Street

Sacramento, CA 95814

MEMBERS PRESENT :

Stella Aguinaga Bialous, Bruce Allen, Theresa Boschert, Gregory Franklin, Alan Henderson, Susanne Hildebrand-Zanki, Kirk Kleinschmidt, Rod Lew, Dorothy Rice, and Deborah Sanchez

MEMBERS ABSENT :

Rod Arias and Lourdes Baezconde-Garbanati

OTHERS IN ATTENDANCE:

Donna Archuleta-Lassey, American Indian Tobacco Education Network (AITEN)
Kamlesh Asotra, Tobacco Related Disease Research Program (TRDRP), University of California (UC)
Dileep G. Bal, Chief, Cancer Control Branch, Department of Health Services (DHS)
Kimberly Bankston-Lee, African American Tobacco Education Network (AATEN)
Roxanna Bautista, Asian & Pacific Islander Tobacco Education Network (APITEN)
Brian Blum, Media Campaign Unit (MCU), Tobacco Control Section (TCS), DHS
MF Bowen, TRDRP, UC
Julie Bradley-Hart, The Center for Tobacco Policy and Organizing
Shelly Brantley, American Lung Association (ALA)
David Cowling, Data Analysis and Evaluation Unit (DAEU), TCS, DHS
Linda Fong, APITEN
Larry Gruder, TRDRP, UC
Cynthia Hallett, Americans for Non-Smokers Rights
Lisa Hunter, Health and Education Communication Consultants (HECC)
Kathony Jerauld, DAEU, TCS, DHS
Rae Kine, Safe and Healthy Kids Program Office (SHKPO), California Department of Education (CDE)
Diane Kiser, Bar and Restaurant Employees Against Tobacco Hazards (BREATH), ALA
Paul Kneprath, ALA of California
John Lagomarsino, SHKPO, CDE
Roberta Lawson, Local Programs Unit (LPU), TCS, DHS
Jon Lloyd, Chief, DAEU, TCS, DHS
Dennis Louy, Del Norte County Unified School District
Don Lyman, Chief, Chronic Disease and Injury Control Division, DHS
Ken McCartney, SHKPO, CDE
Natasha McLearn-Botev, TCS, DHS
Ken McCarthney, SHKPO, CDE
Nora Manzanilla, Hispanic/Latino Tobacco Education Network (H/LaTEN)
Carolyn Martin, Consultant, ALA, BREATH, Sacramento Students Taking Action Against Nicotine Dependence
Tony Najera, Consultant
Greg Oliva, Chief, Program Planning and Policy Development, TCS, DHS

Joy Osterhout, HECC
Cathy Palmer, Chief, Administrative and Contract Support Unit, TCS, DHS
Joanne Parsons, Inyo County Office of Education
D. J. Peterson, SHKPO, CDE
Cecilia Portugal, H/LaTEN
Theresa Renken, American Cancer Society (ACS)
April Roeseler, Chief, LPU, DAEU, TCS, DHS
Meredith Rolfe, Chief, SHKPO, CDE
Bruce Royer, Royer Studios
Raul Salazar, AITEN
Robin Shimizu, Assistant Chief, TCS, DHS
Colleen Stevens, Chief, MCU, TCS, DHS
Michael Tucker, California Department of Finance (DOF)
Traci Verardo, Next Generation California Tobacco Control Alliance
Lorraine Waldau, Santa Barbara County Office of Education
Gregory Wolfe, SHKPO, CDE
Amy Wong, APITEN

1. WELCOME, INTRODUCTIONS, AND OPENING COMMENTS

The Chairperson, Kirk Kleinschmidt, called the meeting to order at 10:06 a.m. and introduced Peggy Oyeda, tentatively appointed by CDE to replace Cheryl Raney on the Committee. Each of the Committee members introduced themselves. Members of the audience also introduced themselves and identified their affiliations.

2. APPROVAL OF MINUTES, REVIEW OF CORRESPONDENCE, AND ANNOUNCEMENTS

The minutes for the October 27, 2003, TEROOC meeting were approved as written. The Chairperson pointed out the one outgoing letter to the California Attorney General's (AG) Office requesting an opinion whether school districts are legally required to participate in DHS evaluation as a condition of Proposition (Prop) 99 funding, and asking whether CDE is authorized to withhold Prop 99 funding from school districts that refuse to participate in the DHS evaluation.

3. ENVIRONMENTAL DEVELOPMENTS

The Chairperson and members announced that:

- The draft of the second California Air Resources Board (ARB) report on environmental tobacco smoke (ETS) has been released for public comment. The first report, released six to seven years ago was reproduced by the National Cancer Institute, and had national impact. This report identifies ETS as a toxic air contaminant, which could lead ARB to consider control measures to limit public risk. Two new areas highlighted in the report are the causal connection of ETS to breast cancer, and outdoor tobacco smoke. The Chairman and Dr. Aguinaga-Bialous encouraged members to review the report and provide comments to ARB by the deadline of March 4, 2004. A copy of the Executive Summary and the web address for the full document will be provided to the members. CDE and DHS are preparing comments, and TRDRP will provide information on the report to its constituency for review and comment.

- The AGs of three states met with movie industry representatives to discuss smoking in movies. The Committee agreed to have a presentation on smoking in movies at a future meeting.

4. LEGISLATIVE UPDATE

Mr. Paul Knepprath from ALA provided an update and handout concerning the status of the relevant tobacco related legislative bills (see enclosed) and answered questions from the members and audience. He focused on two bills co-sponsored by ALA, AHA, and ACS which have passed through committees:

- Senate Bill (SB) 433 (Ortiz) would amend the new state licensing program, established by Assembly Bill (AB) 71, to implement a five-year graduated penalty system for suspension and revocation of a tobacco license for convictions of violation for selling tobacco to minors. The bill has no provisions for funding enforcement, but revenues are anticipated from two sources: one-time licensing fee on cigarette manufacturers and tobacco retailers, an annual fee on tobacco wholesales and distributions, and increased tax revenues through reduced smuggling. Dr. Allen went on record by saying that licensure is an important tobacco control measure.
- SB 676 (Ortiz) would require tobacco manufacturers that did not sign the 1998 Master Tobacco Settlement Agreement (MSA) to pay a fee (to be determined by DHS) to the state. Proceeds would support programs to mitigate the impact of the tobacco products sold by these non-participating manufacturers. If the fee were 50 cents per pack, an estimated \$16 million per year would be generated.

The Chairperson asked the members if TEROC should take a position on any bills. By consensus, the Committee agreed to send a letter of support for SB 676, stating that a portion of the mitigation fees from non-participating manufacturers should be directed toward cessation. Also, the Chairperson suggested that the Committee invite a member of the Board of Equalization (BOE) to present at the April 2004 TEROC meeting to discuss the licensing program and revenue projections.

Another bill gaining momentum in the legislature is AB 384 (Leslie), which would prohibit the sale and possession of tobacco products in prison facilities operated by the California Department of Corrections and the California Youth Authority. ALA is taking a “watch” position on this bill, and by consensus, so is TEROC.

In response to questions regarding ballot initiatives, Mr. Knepprath commented that ALA supports Prop 56, the Budget Accountability Act, which would allow a 55 percent vote to pass the budget versus the currently required 67 percent vote. The California Medical Association initiative would raise the “911-call” surcharge to help fund emergency rooms, and would also affect the hospital services, physicians, and Unallocated Accounts (UA) of Prop 99. Reductions to UA would impact programs funded by the Health Education Account (HEA). Mr. Knepprath stated the voluntary health organizations are looking into the issue of moving Prop 99 funds between accounts.

5. BUDGET UPDATE

Mr. Michael Tucker from DOF opened his presentation with a statement that the newspaper accounts saying the Administration wants to repeal AB 71 are false. He said DOF is proposing that the AB 71 responsibilities for merchant education be given back to BOE since DHS was not funded to implement these activities.

Mr. Tucker stated he had no handouts for this meeting and he pointed out the material from DHS in the meeting packets regarding 2004-05 Governor's Budget and the Prop 99 HEA and Research Account (RA) appropriation summary (see enclosed charts). He said that interested persons could request DOF charts on Prop 99 expenditures and available resources by sending him an e-mail at: michael.tucker@dof.ca.gov.

He said that he has been asked why Prop 99 funding is so volatile, and he said it has been volatile only in the past year. Mr. Tucker explained that a Prop 99 Reserve had been created from the beginning to hold back approximately two percent of Prop 99 funds. This Reserve has been used to absorb reduced revenue to programs. Because of declining revenue in recent years, the Reserve has declined from \$203 million in fiscal year (FY) 1998-99 to \$5 million for FY 2004-05. The reason the FY 1998-99 Reserve amount was so large was that lawsuits restored Prop 99 funds that had been diverted to other accounts. Now DOF is going to try to increase the Reserve to five percent or higher to prevent havoc of mid-year reductions to programs.

Mr. Tucker explained that there is a \$10.6 million shortfall in HEA current year revenues (\$10 million budgeted to have come from licensing and \$600,000 in revised revenue amount) that resulted in a \$1.4 million cut to CDE and a \$3.2 million cut to DHS. He said because of declining revenues, the hole is even larger for the budget year, with proposed cuts of \$3.6 million to CDE and \$7.4 million to DHS. For the RA, the hole of \$2.2 million for the current year and the hole of \$7.4 million for the budget year all come out of UC research.

Concern and questions were raised over the apparent inequity or disproportionate cuts to the various Prop 99 programs from the signed FY 2003-04 budget and from the proposed FY 2004-05 budget. Mr. Tucker explained that the Prop 99 budgeting takes into account prior year adjustments (money not spent in the prior year), new revenue brought in by Prop 99 and by Prop 10 backfill and interest earned. The money is then divided among the legislatively mandated programs. This includes any new programs the Legislature has added to receive funds from Prop 99. Any shortage in the entitlement programs has to be satisfied first out of UA, indirectly affecting HEA programs that receive some funds from UA. In the past, a shortage in HEA was applied only to DHS and not to CDE. Then TEROc urged that cuts be shared across the board. Regarding the question of significant funding reduction to TRDRP, Mr. Tucker and others responded that a number of things explain the large decrease in the allocation to TRDRP: that the previous large Reserve had protected TRDRP from reductions in the past, that the TRDRP funding had remained the same while the other programs were reduced, and that the correction of previous accounting errors resulted in less money available in the RA.

Concern was again raised over the RA funds allocated to DHS/Cancer Surveillance Section (CSS). It was noted that most of these funds are used for positions and that the Administration in the past has regarded these funds as being used for tobacco evaluation research. It was further explained that more than 12 years ago DOF used the RA as a revenue offset to cover a shortage to the Cancer Registry, this was never corrected, and it has compounded over time. The problem is no other source of funds has been found to cover the costs of the Cancer Registry and no one wants to eliminate the Registry. It was moved and carried that TEROc send another letter to the Governor reiterating the Committee's request that the Prop 99 RA funds allocated to the Cancer Registry be restored to TRDRP, that DHS and UC work together to find other funds to cover the loss to DHS/CSS, and that a response to the letter should include a description of what is done with the cancer registry data.

There were questions and a discussion concerning roll-over authority, indicating confusion and concern over the conditions and limitations for carrying over funds from one FY to the next.

Mr. Tucker said that money obligated in multi-year contracts that is not spent in the one year can be carried over into the next year within the contract; but money left over at the end of the contract will revert. Only money that has been obligated can be carried over. Unencumbered funds revert to the Reserve. He added that when positions were lost due to Governor mandated staff reductions, the cost savings reverted. Mr. Tucker agreed that there is need for clarity in the law regarding carry-over needs clarification and that DOF will work to improve the language.

6. MEMBER DISCUSSION

- Task Force report regarding worksite smoking bans in Indian casinos
- Progress toward Master Plan (MP) Objective Three -- Elimination of Disparities and Achieving Parity in Tobacco Control

Members of the Task Force on smoking bans in Indian casinos said they were not ready to make their report, and asked that this item be tabled until the April 2004 TEROC meeting. The Chairperson agreed.

The Chairperson asked DHS, CDE, and UC to report on their work to implement MP Objective Three.

DHS made a presentation on its efforts to eliminate disparities to achieve parity.

- Regarding systems: As part of its policy emphasis on social norm change, TCS has stressed that high-risk ethnic groups must be major targets of programs since they are major targets of the tobacco industry. As an ongoing policy, TCS continues to emphasize and provide training in cultural competency for funded agencies. It has established mechanisms to support local agencies in diversity, such as having the ethnic networks provide technical assistance to other funded agencies. Local Lead Agencies (LLA) are required to have diversity on their coalitions, to involve diverse populations in assessing local needs and planning programs, to include special needs in their Communities of Excellence (CX) assessment. They are strongly encouraged to include a planning objective for CX special populations and to address needs of special populations in their scope of work. While the funding allocation to TCS has been cut in half, the funding for the ethnic networks has taken only a minor cut. DHS directed those present to look at its report to TEROC on Objective Three for the past quarter regarding the priority populations training, the ethnic media, the special populations epidemiological studies and the California Partnerships for Priority Populations Request for Application (RFA).
- Regarding staffing: TCS, has followed and exceeded DHS diversity requirements and guidelines for employment. Nonetheless, there exist major obstacles: DHS has had a huge problem in recruiting, mentoring, and retaining diverse staff; the process of getting on lists and hiring is very lengthy; hiring freezes are common; there is very limited mobility; TCS has not been attractive for professional/career advancement; when hired, minority staff often move or are promoted to other places; the preponderance of senior staff are women; there has been strong pressure to hire medical staff for top positions; and dollars and staff positions have been significantly reduced. At the local level, salaries have not been competitive at the community based organizations, more so with ethnic agencies, and tobacco is not necessarily a priority for special populations.

In response to a question on the new Priority Populations RFA, DHS explained that on February 6, 2004, it would release an RFA for up to \$5 million for three-year contracts for priority populations' participation in technical assistance and training, advocacy campaigns, development

of culturally appropriate materials, and the media. DHS said the RFA was based on data and input and feedback from meetings with the ethnic networks, statewide projects, and needs assessment conducted by TCS contractors. DHS said it is committed to: continued program and financial emphasis on high priority populations through CX, procurements, and evaluation; continued monitoring of the data to determine funding priorities; and continued opportunities for priority populations to advise and impact TCS policy through workgroups and other program participation.

A Committee member said other states could look to DHS as a model in working to eliminate disparity in the tobacco control area. Another member said he thought there could be more involvement of priority populations at the policy setting level.

The Chairperson said that the Committee would put off until the April 2004 TEROc meeting to hear from CDE and UC concerning their implementation of MP Objective Three. He said he would allow ten minutes for comments from the public at this time on this one subject only.

Ms. Nora Manzanilla from the H/LaTEN expressed concern over the overall viability of the ethnic network program, said she has often heard that the LLAs let the networks do the diversity work, and urged that priority populations be indeed given priority.

Ms Kimberly Bankston-Lee from AATEN expressed concern that a 33 percent cut is proposed for AATEN and said she wondered what guidelines are in place to pick up where the networks leave off.

Ms. Donna Archuleta-Lassey from AITEN asked about the future of special populations surveys. DHS responded that one-time MSA money was used for these, that these surveys would not be repeated because of lack of money, and that TCS will be using the California Health Inventory Surveys to augment ethnic data. The Chairperson noted that there is a proposed 2006 ballot initiative for a \$1.50 increase in the tobacco tax with 20 cents earmarked for tobacco control.

7. CESSATION POLICY

Ms. Traci Verardo, Executive Director of the Next Generation California Tobacco Control Alliance, gave a presentation concerning cessation policy issues and opportunities (see copy of slides and handout enclosed).

Ms. Verardo opened by informing the Committee that starting February 1, 2004, her organization will be called California Tobacco Control Alliance. She said she would discuss current cessation policy, recommendations for new cessation policy, and recommendations for TEROc action. She said existing tobacco control efforts motivate people to quit and the next step is to give them resources to do so successfully. She emphasized, "We know what works to help people to quit, the evidence is clear." Ms. Verardo stated that her goal is not to reallocate Prop 99 money away from programs, and that cessation is not something apart from the program, but rather it is part of a comprehensive tobacco control program. She pointed out that the Centers for Disease Control and Prevention in its *Best Practices* recommends between \$32-\$120 million for cessation for California.

Regarding some barriers to cessation policy, Ms. Verardo mentioned that cessation is not currently a priority of private health system funding, that public funding for cessation policy or program is restrictive, and youth cessation strategies are not well developed. She showed the gap between

the percent of smokers who make a quit attempt and the percent that are successful for 90 days or more (61.5 percent vs. 23.7 percent). She said cessation policy objectives should be to: 1) increase access to services, 2) increase delivery of services, 3) improve infrastructure for consistent statewide delivery of services, 4) increase demand for and utilization of services, and 5) include all tobacco control advocates in cessation policy advocacy.

Ms. Verardo described the Smoking Cessation Benefits Everyone (SCBE) Campaign, its goals, tactics, and endorsers. The SCBE Campaign recently conducted a statewide opinion poll of 600 adults with private or public health insurance, of which 14 percent were smokers. Some of the results of the poll are included in the enclosed slides.

Ms. Verardo recommended that TEROC endorse the SCBE Campaign; encourage and facilitate tri-agency collaboration; oversee and encourage agencies' progress toward MP Objective Five; and encourage agencies' focus on increasing demand for services. After a brief discussion, it was moved and carried that TEROC endorse the SCBE Campaign.

8. PROGRAM REPORTS BY AGENCIES

(Each agency sends a written report to TEROC prior to the meeting and responds to questions at the meeting.)

a) DHS/TCS Report

DHS asked if there were any questions regarding its written report to TEROC. The Chairperson commented on the item in the report of the federal *Innovation in Prevention Award* received by California's COUGH (Campuses Organized and United for Good Health) Campaign. He said it is a tribute to the California Youth Advocacy Network and the other partnering agencies. The Chairperson also commented on the implementation of AB 846, which was signed by Governor Davis, that prohibits smoking within 20 feet of main entrances, exits, and operable windows of public buildings. He asked for an update on AB 846 at the next meeting.

DHS reported that all pending media ads have been approved. With the new Administration, all media ads must be approved at the Health and Human Services Secretary level as during Governor Wilson's Administration. In the current year, media production will be concentrating on ethnic products and in 2005 funding will focus on placement. No ads are currently in the cue. The campaign will be back on the air on February 9, 2004, with a substantial buy. In response to a question concerning the status of the "Cartel" ad, DHS said it was not approved by the prior Administration and has not been addressed with the new Administration. DHS is still deliberating on what to do with that ad.

Regarding lawsuits:

- R.J. Reynolds has appealed the recent court decision in favor of the state; written comments by the AG's office are due by February 4, 2004, and oral arguments will be made late in February or March.
- The contract with the former ad agency, Asher & Partners, terminated December 31, 2000, and four months later the agency went out of business without paying its bills on the TCS account (as well as the bills on the Prop 10 account, the state of Washington account and other accounts). The ad agency settled with all the accounts except the TCS account. The vendors are suing the State for \$3 million they say the ad agency still owes them. TCS has already reimbursed the ad agency for all services provided under the contract; if

the suit is successful, the State would pay twice and would therefore impact the TCS budget. It is not clear when this will go to court.

The Committee agreed to send a letter to the former Director of DHS, Dr. Diana M. Bontá, in appreciation for her pro-active advocacy for tobacco control and prevention, for attending TEROC meetings and for facilitating approval of media ads. The Committee also agreed to send a letter to the Secretary of the California Health and Human Services Agency (CHHSA), Kimberly Belshé, to: 1) thank her for her support of anti-tobacco media ads during the Wilson Administration and instituting the process for approval of TCS ads at the Agency level, 2) invite her to future TEROC meetings, and 3) request a meeting with her and two TEROC members to discuss tobacco issues and future directions.

The Chairperson asked how the state is doing regarding youth access to tobacco products. DHS responded that the 2003 youth sales survey showed a 12.2 percent rate. The 2004 survey will take place in the spring-summer, and the results should be available in the fall.

A member asked about cessation tag lines on media, and DHS commented that data shows a tag line on a television ad is more successful when it is placed on a cessation-specific ad than on a generic anti-tobacco message.

b) CDE, SHKPO Report

CDE said they would report on three areas: collaboration, an example of an in-school program, and the recommendations from the Tobacco Use Prevention Education Program (TUPE) Task Force.

- 1) CDE reported that collaboration between them and DHS is continuing with definite progress in a number of areas: a joint letter has been sent to the selected schools to participate in the California Youth Tobacco Survey; they are exploring the issues related to combining the two surveys, and they are participating in each department's trainings.
- 2) CDE presented a video produced by Bruce Royer of Royer Studios on a Tobacco Awareness classroom program in Los Angeles with Teen Advocates for Tobacco Free Schools. The Program is for health and art classes in which students create drawings that are converted into animation for public service announcements (PSA). The students are directed to focus on specific areas, including two or three objectives in the TEROC MP. They get free air time for the 30-second PSAs. The program's advisory committee wants to expand the media coverage to *Eye on LA*, Nickelodeon, and other cable networks. The immediate goal of the California Teen Advocates Program is to get into at least one high school and one middle school in each county. CDE said the process of student involvement is as important as the finished PSA.
- 3) CDE gave a slide presentation on the TUPE Task Force draft recommendations for changing the TUPE program (see copy of slides enclosed). The primary driving force behind the work of the Task Force is the declining resources for the program, to get the most effective program with the dollars available. The 11 draft recommendations are as follows:
 - CDE limit TUPE funding to providing prevention programs in grades six through ten and offering cessation readiness and cessation services for any secondary students in grades seven through twelve who are using tobacco.

- CDE use RFA as the sole funding allocation process for all local educational agency TUPE programs.
- CDE require all districts receiving TUPE funds to conduct a program that must include the following science-based effective elements: designation of a coordinator; enforcement of a no tobacco-use policy; instructions in grades six through eight using a science-based tobacco program; and “Booster” instruction in grades nine through ten.
- CDE develop and apply a system of accountability for all districts receiving TUPE funds that includes implementation with fidelity of required elements.
- CDE require all TUPE funded programs to monitor program success based on measurable objectives using both process and outcome evaluation. Outcome data must include California Healthy Kids Survey (CHKS) results.
- CDE get a state rate (best price) from publishers of science-based tobacco-use prevention education programs for their materials and training. Give preference to those offering a state rate.
- County Office of Education TUPE Coordinators should provide proactive support and assistance to the TUPE-funded districts in their county.
- CDE and DHS should strongly encourage collaboration between county- and district-level TUPE programs, and LLAs and Prop 99 funded community-based organizations.
- For all districts receiving TUPE funds, the superintendent and all district and site administrators should advocate for and actively support tobacco-use prevention education and cessation as district priority.
- Consolidate CDE and DHS school surveys so all stakeholders share one survey instrument, and require schools to implement the survey in any school no more than every other year.
- TRDRP should give priority to funding research on school-centered tobacco-use prevention and cessation issues for which there is insufficient information.

The ensuing discussion included: some of the recommendations would need legal review and this may take a couple years; the current Health and Safety Code requires tobacco prevention education in grades four through eight; it would take some work to combine the Youth Risk Behavior Survey, California Student Tobacco Survey, and CHKS into one survey to satisfy all stakeholders and to achieve the purpose of the respective surveys, including needs assessment requirements and the requirement for a comprehensive program evaluation; there was strong support for sampling school districts rather than surveying all school districts. CDE said the “No Child Left Behind” policy prompted them to require all districts to participate. A member observed that CDE should exclude the Life Skills Program from the approved curriculum list because it is supported by Phillip Morris.

The Chairperson recommended that CDE: take steps immediately relative to legislative action required, meet with the legislative staff of the voluntary agencies to get their buy in, and review the impact of the proposed recommendations on TCS. Recognizing that the TUPE Task Force recommendations were still in draft form, it was moved and carried that the Committee send a letter to the Superintendent for Public Instruction endorsing the scope and direction of the TUPE Task Force recommendations. The Chairman said the Committee would look at this matter again at the April 2004 meeting. He congratulated CDE for progress so far and said he was impressed with the diversity on the Task Force.

c) UC, TRDRP Report

TRDRP reported that they had just found out about the proposed 40 percent reduction in funds for tobacco research for FY 2004-05. TRDRP will be able to fund fewer grants in the current grant cycle and will have to review program goals and structure to accommodate the drastic cut in resources for 2004-05. Staff will be meeting with the Scientific Advisory Committee in February and the Advisory Committee will make recommendations for the Fall 2004 Call for Applications.

The applications were due January 15, 2004, for the 2003-04 research grant cycle. The number of applications submitted was down 26 percent, and it is not yet clear which research areas are proposed to be addressed in this round.

TRDRP introduced new staff members, and said they are currently interviewing for the position of Director of TRDRP. TRDRP announced that because of staff workload and funding reductions they may decide not to hold an Annual Investigators Meetings (AIM) in 2004. Members of the Committee expressed strong support for continuing AIM, saying AIM is a unique, extremely beneficial conference that brings together different disciplines.

In response to a question concerning the process for revamping the direction of TRDRP, they said the process will not be as elaborate as the previous strategic planning. A number of options will be presented to the Scientific Advisory Committee, and they must have this completed by spring.

9. PUBLIC QUESTIONS AND COMMENTS

Ms. Traci Verardo informed the committee that a lawsuit was pending at the state Supreme Court against the pharmaceutical companies of nicotine replacement therapy (NRT) products and retail establishments that distribute the products, regarding Prop 65 warnings. An individual has sued, claiming that NRT products should have a Prop 65 warning attached to them. The AG is supporting the plaintiff. Ms. Verardo expressed concern about the deterrent effect that posting Prop 65 warnings may have on smokers who may wrongly assume, from the warning, that the nicotine in NRT is more harmful than continuing to smoke. Ms. Verardo has contacted the voluntary organizations to determine if they have filed Amicus Briefs in support of the pharmaceutical companies.

Post script: the California Supreme Court found in favor of the defendants and determined that the Prop 65 warning does not need to be posted on NRT products or around displays of NRT products.

10. TEROC MEMBERS DISCUSSION

The Chairperson raised the issue of members' appointments since several of the members' terms have expired. It was a consensus to not take any action on this at this time.

NEXT MEETING DATES:

April 12, 2004, 10 a.m. to 5 p.m., Sacramento, Regular Meeting

June 1, 2004, 10 a.m. to 5 p.m., Sacramento, Regular Meeting

The meeting was adjourned at 4:30 p.m.

ACTION ITEMS:

1. TEROC to send a letter to the Governor and Budget Committees supporting roll-over authority for HEA.
2. TEROC to send a letter to the Governor and Budget Committees:
 - a. Reiterating that the intent of the Prop 99 Research Fund is for tobacco-related research, and
 - b. Stating concern over allocation of some of the Research Funds to the Cancer Registry, DHS, which reduces the amount of tobacco-specific research that can be funded by TRDRP.
3. TEROC to send a letter to the California Tobacco Control Alliance endorsing its SCBE Campaign.
4. TEROC to send a letter to former DHS Director, Dr. Diana M. Bontá, in appreciation of her advocacy for tobacco control and prevention, for attending TEROC meetings, and especially for facilitating approval of TCS ads.
5. TEROC to send a letter to Secretary Belshé, CHHSA:
 - a. Thanking her for support of TCS ads and instituting the approval process at the Agency level,
 - b. Inviting her to future TEROC meetings, and
 - c. Requesting a meeting with her and two TEROC members to discuss tobacco issues and future directions.
6. TEROC to send a letter to Senator Ortiz endorsing SB 676, and giving support for a portion of the fees obtained from tobacco manufacturers, that did not participate in the MSA, to be directed to cessation services.
7. TEROC to send a letter to Mr. Jack O'Connell, Superintendent for Public Instruction, endorsing the scope and direction of the Task Force recommendations for TUPE, and saying TEROC looks forward to reviewing the completed recommendations.
8. DHS to provide TEROC members with a copy of ARB report identifying secondhand smoke as a toxic air contaminant. TEROC members are encouraged to review the report and comment to ARB by its deadline of March 4, 2004.
9. DHS to invite BOE to present at the TEROC meeting on April 12, 2004, to discuss the licensing program and projections of licensing revenues.

ENCLOSURES

1. Copy of the list of tobacco related legislative bills
2. Copy of DHS's budget charts – FY 2004-05 Governor's Budget and Prop 99 HEA and RA Allocations
3. Copy of Ms. Traci Verardo's presentation slides and handout on cessation policy issues
4. Copy of CDE's TUPE Task Force recommendations